

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK**

JONATHAN BARAHONA and HECTOR  
HERNANDEZ,

Plaintiffs,

v.

PARADISE TREE SERVICE & LANDSCAPE  
CORP. and WILLIAM NIETO,

Defendants.

Case No. 21-cv-05400 (GRB)(LGD)

**DECLARATION OF STEVEN J. MOSER**  
**IN SUPPORT OF PLAINTIFFS' MOTION TO STRIKE THE ANSWER OF THE**  
**DEFENDANT PARADISE TREE SERVICE & LANDSCAPE CORP. AND FOR A**  
**DEFAULT JUDGMENT**

I, Steven J. Moser, declare as follows:

1. I am the attorney of record for the Plaintiffs Jonatan Barahona and Hector Hernandez.

2. I make this declaration in support of Plaintiffs' motion to strike the answer of Defendant Paradise Tree Service & Landscape Corp. ("Paradise") and to enter a default judgment against Paradise.

3. I hereby incorporate by reference all facts stated in the accompanying Memorandum of Law in Support of Plaintiffs' Motion to Strike the Answer of Defendant Paradise Tree Service & Landscape Corp. and for Default Judgment as if fully set forth herein.

4. I have annexed hereto true and accurate copies of the following documents in support of the Plaintiffs' motion:

| Exhibit No. | ECF No. | Description   |
|-------------|---------|---|
| 1           |         | Damages calculations spreadsheet  |
| 2           | 1       | Complaint dated 9/29/2021   |
| 3           | 53      | Court's Civil Minute Entry dated 2/8/2024                                     |
| 4           | 55      | Court's Civil Minute Entry dated 3/27/2024                                    |
| 5           |         | Excerpts from transcript of deposition testimony of William Nieto on 2/7/2023 |
| 6           |         | Contemporaneous Billing and Expense Records                                   |
| 7           |         | Damages spreadsheet showing calculations                                      |

I declare under penalty of perjury, under 28 U.S.C. § 1746, that the foregoing is true and correct.

Dated: Huntington, New York  
August 9, 2024

Steven J. Moser  
Steven J. Moser